IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9618 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

TRUPTIBEN KRISHNALAL PATNI

Versus

DSP

Appearance:

MR HARDIK C RAWAL for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

Mr.Digant P. Joshi, AGP for Patel Advocates for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 24/03/2000

ORAL JUDGEMENT :

Rule. Service of the rule is waived by Mr.Digant P. Joshi, AGP for Messrs Patel Advocates for the respondents. The matter is taken up for final disposal

with the consent of the parties.

2. The petitioner challenges the order dated 12.4.1999, Annexure 'A' to the petition, whereby the services of the petitioner were terminated with immediate effect on the ground that the services of the petitioner are not required by the office of the District Supdt. of Police. Mr. Hardik Raval has pointed out the order dated 23.4.1996, Annexure 'B' and stated that the post in question is not filled in by the office of respondent no.1. Mr.Raval for the petitioner has prayed for quashing of the order dated 12.4.1999, continuing the petitioner on the post of Gujarati Typist and for the payment of minimum wages as per the rules and regulations of the Government with all consequential benefits. Mr.Rawal, looking to the terms of the appointment of the petitioner, is ready to restrict his prayer to the extent that until the post in question is filled in by regular appointee, the services of the petitioner may be continued and that the petitioner may be given an opportunity to compete in the selection for filling up of the post in question on regular basis. The requests of Mr. Raval for the petitioner are reasonable. The fact that the petitioner continued in service from 23.4.1996 to 12.4.1999 shows that the office of respondent no.1 does require a Gujarati Typist.

3. Taking into consideration all these facts and taking into consideration the reasonableness of the requests of the petitioner, the petition is allowed. The respondents are directed to allow the petitioner to continue as Gujarati Typist until the post of Gujarati Typist is filled in by a regular incumbent. It is further directed that the District Supdt. of Police shall consider the case of the petitioner also at the time of selection of a regular candidate by taking into consideration the services rendered by the petitioner in the former's office and looking to the other qualifications which the petitioner possesses, which according to Mr.Raval are sufficient to enure the regular appointment. Respondent no.1 shall also look into the matter of payment being made to the petitioner as per the rules and regulations of the government.

4. With the aforesaid observations and directions the petition is allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

---

karim*